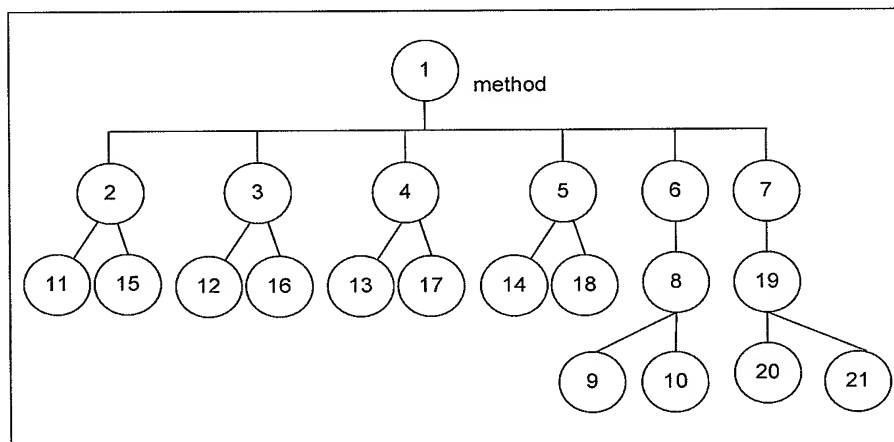


REMARKS/ARGUMENTS

The diagram below illustrates the relationship among pending claims 1-21, of which claim 1 is in independent form and the remainders of the claims are in dependent form.



In the Office Action of July 20, 2009, claims 1, 4-8, 13-14 and 17-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Owens et al. (U.S. Patent No. 7,315,510 B1). Dependent claims 2, 9-11, 15 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Owens in view of Trudel et al. (U.S. Patent No. 7,450,497). Dependent claims 3, 12 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Owens in view of Swinkels et al. (U.S. Patent No. 6,795,394).

Applicants respectfully traverse the rejections and requests their withdrawal in view of the remarks set forth herein. No amendments have been made to the claims.

RESPONSE TO THE REJECTION OF INDEPENDENT CLAIM 1

Claim 1 provides a method for protecting a data service in a Metropolitan Area Transport Network including the following elements:

(A) establishing a work path for transporting a service between a source node and a work destination node of the service in the Metropolitan Area Transport Network; setting a node other than the work destination node as a protection destination node; establishing a protection path between the source node and the protection destination node for protecting the service in the work path;

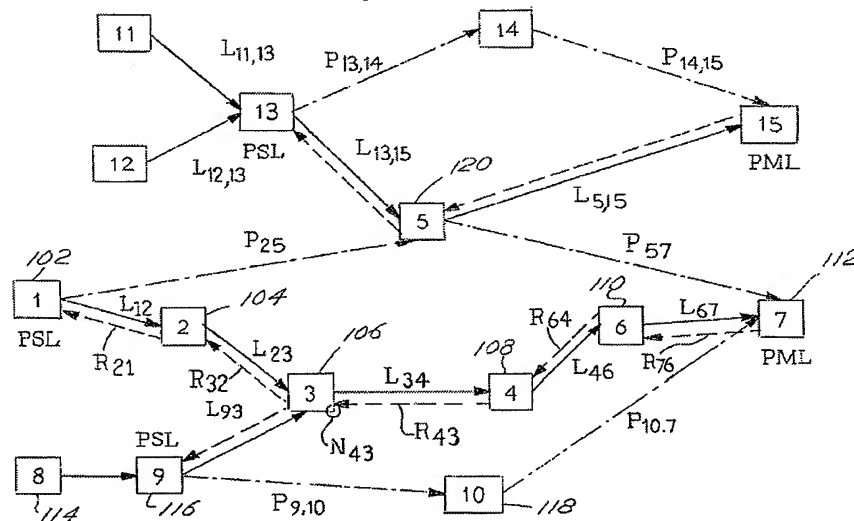
(B) the source node detecting a failure state of links of the work path and the protection path and a failure state of a node in the links of

(C) the work destination node and the protection destination node detecting respectively the failure of the links connecting themselves to a data device; if there is the failure, notifying the source node; and

(D) switching the data service in the work path to the protection path by the source node when the failure state of the link of the work path or the failure state of a node in the link is detected or a failure state notice of the work destination node is received.

Firstly, Owens fails to teach or suggest feature (A) of claim 1.

FIG. 1



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runs through switches 2, 3, 4 and 6 is the path designated by links P25 and P[5]7¹ and which runs through only switch 5” (See Owens, column 4, lines 19-22).

Owens further describes “either a link or switch loss between switch 1 and 7 can be overcome by re-routing traffic for switch 2 through switch 5 instead. Switch 5 then routes the data to switch 7” (See Owens, column 4, lines 26-29). According to Owens, the source node in Figure 1 of Owens is node 1 (102), the working destination node is node 7 (112), and the protection destination node is also node 7 (112). Thus, node 15 of Owens is not the “protection destination node” for the working path between nodes 102 and 112 as characterized by the Office Action.

As for node 15, Owens merely mentions it in connection with a “protection domain” “{11-13-5-15, 11-13-14-15}”, where path 11-13-5-15 denotes a working path, and path 11-13-14-15 denotes the protection path of the working path 11-13-5-15. (See Owens, column 9, line 60 - column 10, line 10). Thus, according to Owens, node 15 is both the working destination node and the protection destination node of the protection domain {11-13-5-15, 11-13-14-15}. In other words, when node 15 of Owens is a protection destination node, it is also the working destination node.

In contrast to the teachings found in Owens, claim 1 requires that the protection destination node be “a node other than the work destination node.” Therefore, Owens clearly fails to teach the claimed feature of “setting a node other than the work destination node as a protection destination node; establishing a protection path between the source node and the protection destination node for protecting the service in the work path” as set forth in claim 1, *i.e.* the claimed feature (A).

Secondly, Owens fails to disclose or suggest feature (C) of claim 1. In rejecting claim 1, the Office action further cites column 5, lines 35-42 of Owens and asserts that it discloses the features (C) of claim 1. To the contrary, Owens does not teach these claimed features for the following reasons.

(i) Applicants point out that claim 1 requires two types of failures, *i.e.* the failure of the working path and the protection path, and the failure of the links joining the work destination and protection destination nodes with a data device. Throughout the Owens reference, however, only failures between the source and destination nodes are considered.

¹ The original reference in Owens is to “P27,” which applicants believe is clearly wrong and should be “P57” of Figure 1.

Owens fails to teach or suggest that the destination node is connected with a data device, nor does it mention detecting failures of the links joining the destination node to a data device. Therefore, contrary to the Office Action, Owens does not teach feature (C) of claim 1.

(ii) The cited portion of Owens merely states that “[i]n the event of a switch or link failure anywhere between the path endpoint switches 1 and 7, data re-routing is accomplished faster by using a reverse-directed status message.....” (See Owens, column 5, lines 35-42). According to Owens, the message is used for reporting failure between nodes 1 and 7, *i.e.* source node 102 and working destination node 112. Feature (C) of claim 1, however, requires that the work destination node detects and report the failure of links connecting the work destination node to a data device and that the protection destination node detects and reports the failure of links connecting the protection destination node to a data device. Clearly, Owens fails to teach or suggest the working destination node or the protection destination node provide such functions. Therefore, Owens fails to disclose or suggest feature (C) of claim 1.

In view of the foregoing, Applicants respectfully submit that Owens fails to teach or suggest at least claimed features (A) and (C) of independent claim 1. Therefore, Applicants respectfully submit that independent claim 1 is patentably distinguishable from Owens and request withdrawal of the rejections.

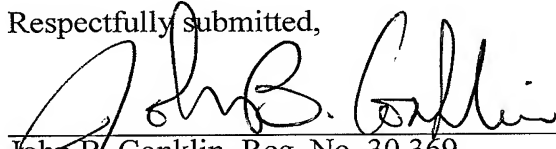
RESPONSE TO THE REJECTIONS OF DEPENDENT CLAIMS 2-21

As for the dependent claims, they depend, directly or indirectly, from independent claim 1 and, therefore, include all of the limitations of base claim 1. Without addressing the assertions set forth in the Office action, which are not conceded, Applicants respectfully request withdrawal of the rejections of these dependent claims for the same reasons expressed above in connection with independent claim 1.

CONCLUSION

A prompt indication of allowability of all pending claims 1-21 is earnestly solicited. Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John B. Conklin", is written over a horizontal line.

John B. Conklin, Reg. No. 30,369
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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